

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

PAUL CASTONGUAY,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
ROBERT HOUSTON, BRAIN	)	
GAGE, and DEPARTMENT OF	)	
CORRECTIONAL SERVICES, et.	)	
al.,	)	
	)	
Defendants.	)	

4:13CV3105

**MEMORANDUM  
AND ORDER**

ROBERT HOUSTON, BRAIN	)	
GAGE, and DEPARTMENT OF	)	
CORRECTIONAL SERVICES, et.	)	
al.,	)	
	)	
Defendants.	)	

This matter is before the court on Plaintiff's Motion for Leave to Proceed In Forma Pauperis ("IFP"). (Filing No. [2](#).) Pursuant to the Prison Litigation Reform Act, a prisoner may not bring a civil action and proceed IFP if the prisoner has, on three or more occasions, while incarcerated, brought an action or appeal in federal court that was dismissed because it was frivolous, malicious, or failed to state a claim upon which relief may be granted. [28 U.S.C. § 1915\(g\)](#).

Plaintiff brought three cases,<sup>1</sup> while incarcerated, that were dismissed because they failed to state a claim upon which relief could be granted. Accordingly, Plaintiff has until July 12, 2013, to show cause why this matter should not be dismissed pursuant to [28 U.S.C. § 1915\(g\)](#). Alternatively, Plaintiff may pay the full \$350.00 filing no later than July 12, 2013. In the absence of good cause shown or the payment of the full filing fee, Plaintiff's Complaint will be dismissed without further notice.

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<sup>1</sup>*Castonguay v. Douglas Cnty. Attorney Office*, No. 8:09CV392 (D. Neb.), dismissed on April 9, 2010. (Case No. 8:09CV392, Filing Nos. [11](#) and [12](#).) *Castonguay v. Douglas Cnty. Corr. Center*, No. 8:09CV225 (D. Neb.), dismissed on November 3, 2009. (Case No. 8:09CV225, Filing Nos. [14](#) and [15](#).) *Castonguay v. Nebraska*, No. 8:09CV221 (D. Neb.), dismissed on November 3, 2009. (Case No. 8:09CV221, Filing Nos. [15](#) and [16](#).)

IT IS THEREFORE ORDERED that:

1. Plaintiff's Motion for Leave to Proceed IFP (filing no. [2](#)) is denied. Plaintiff has until July 12, 2013, to either show cause why this case should not be dismissed pursuant to [28 U.S.C. §1915\(g\)](#) or pay the full \$350.00 filing fee. In the absence of either action by Plaintiff, this matter will be dismissed without further notice.
2. The Clerk of the court is directed to set a pro se case management deadline in this matter with the following text: July 12, 2013: Deadline for Plaintiff to show cause or pay full filing fee.

DATED this 12<sup>th</sup> day of June, 2013.

BY THE COURT:

s/ Joseph F. Bataillon  
United States District Judge

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